

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:03-cv-12426-RCL**

Carefree Park Corporation v. Nabhan
Assigned to: Judge Reginald C. Lindsay
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 12/03/2003
Jury Demand: Defendant
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

Carefree Park Corporation

represented by **Gordon M. Jones, III**
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Plaintiff

Amin Nabhan

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Plaintiff

Jamile Nabhan

represented by **Gordon M. Jones, III**
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Robert L. Kirby
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V.

Defendant

Adib Nabhan

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Robert L. Kirby
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TERMINATED: 11/16/2005
ATTORNEY TO BE NOTICED

Consol Counter Defendant

**Carefree Park Corporation, Amin
Nabhan and Jamile Nabhan**

represented by **Gordon M. Jones, III**
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Adib Nabhan

represented by **Ian Crawford**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant**Carefree Park Corporation****Counter Claimant****Adib Nabhan**represented by **Ian Crawford**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

V.

Counter Defendant**Carefree Park Corporation****Counter Defendant****Amin Nabhan****Counter Defendant****Jamile Nabhan**

Date Filed	#	Docket Text
12/03/2003	<u>1</u>	NOTICE OF REMOVAL from Essex Superior Court, case number CA03-1926D. \$ 150, receipt number 52162, filed by Adib Nabhan. (Attachments: # <u>1</u> Exhibit A NOT SCANNED)(Tebo, Susan) (Entered: 12/04/2003)
12/03/2003	<u>2</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Robert B. Collings. (Tebo, Susan) (Entered: 12/04/2003)
12/15/2003	<u>4</u>	ANSWER to Counterclaim filed by Carefree Park Corporation; c/s. (Tebo, Susan) (Entered: 12/24/2003)
12/23/2003	<u>2</u>	STATE COURT Record, filed. (Tebo, Susan) (Entered: 12/24/2003)
12/23/2003	<u>3</u>	ANSWER to Complaint with JURY DEMAND, COUNTERCLAIM against Carefree Park Corporation by Adib Nabhan.(Original filed in State Court).(Tebo, Susan) (Entered: 12/24/2003)
12/30/2003	<u>5</u>	NOTICE of Scheduling Conference Scheduling Conference set for 2/5/2004 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 12/30/2003)
01/07/2004	<u>6</u>	AFFIDAVIT OF SERVICE Executed by Carefree Park Corporation. Adib Nabhan served on 11/5/2003, answer due 11/25/2003. Acknowledgement filed by Carefree Park Corporation. (Tebo, Susan) (Entered: 01/09/2004)
01/30/2004	<u>7</u>	JOINT STATEMENT re scheduling conference, filed. (Tebo, Susan)

		(Entered: 02/03/2004)
01/30/2004	<u>8</u>	CERTIFICATION pursuant to Local Rule 16.1 filed by Adib Nabhan. (Tebo, Susan) (Entered: 02/03/2004)
01/30/2004	<u>9</u>	CERTIFICATION pursuant to Local Rule 16.1 filed by Carefree Park Corporation.(Tebo, Susan) (Entered: 02/03/2004)
02/05/2004	<u>3</u>	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay : Scheduling Conference held on 2/5/2004. Automatic disclosure due by 2/19/04. Discovery due by 8/3/2004. Plaintiff to disclose expert by 10/31/04. Defendant to disclose expert by 12/31/04. Motions due by 1/31/2005. (Court Reporter None Present.) (Hourihan, Lisa) (Entered: 02/09/2004)
07/13/2004	<u>10</u>	MOTION to Compel <i>and for an Extension of the Scheduling Order</i> by Carefree Park Corporation. (Attachments: # <u>1</u> Exhibit 1)(Jones, Gordon) (Entered: 07/13/2004)
07/27/2004	<u>11</u>	Opposition re <u>10</u> MOTION to Compel <i>and for an Extension of the Scheduling Order</i> filed by Adib Nabhan. (Attachments: # <u>1</u> Exhibit 1) (Valley, Doyle) (Entered: 07/27/2004)
09/06/2004	<u>3</u>	Judge Reginald C. Lindsay : Electronic ORDER entered granting in part and denying in part <u>10</u> MOTION to Compel <i>and for an Extension of the Scheduling Order</i> by Carefree Park Corporation. The motion is denied to the extent that it seeks sanctions and an order deeming waived all objections to the document requests. The motion is granted to the extent that it seeks the extension of the pretrial schedule. The new schedule is as follows:Fact discovery to close October 1, 2004. Plaintiff to disclose experts by 11/30/04. Defendant to disclose experts by 1/31/2005. Expert discovery to be completed by 2/28/2005. Dispositive Motions due by 3/28/2005. These rulings are based on the representation of the plaintiff that the plaintiff would respond to the defendant's discovery requests by July 28, 2004. (Lindsay, Reginald) (Entered: 09/06/2004)
09/14/2004	<u>12</u>	Joint MOTION for Extension of Time to December 1, 2004 to Complete Discovery <i>Deadline</i> by Carefree Park Corporation.(Jones, Gordon) (Entered: 09/14/2004)
09/15/2004	<u>13</u>	Second MOTION to Compel by Carefree Park Corporation. (Attachments: # <u>1</u> Exhibit Defendant's Responses to Plaintiff's First Request for Production of Documents# <u>2</u> Exhibit Deposition Subpoena to Amin Nabhan# <u>3</u> Exhibit Deposition Subpoena to Jamile Nabhan)(Jones, Gordon) (Entered: 09/15/2004)
09/23/2004	<u>3</u>	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>12</u> Motion for Extension of Time to Complete Discovery. Fact discovery due by 12/1/04. Plaintiff to disclose experts by 12/31/04. Defendant to disclose experts by 3/1/05. Discovery due by 3/28/2005. Motions due by 4/29/2005. (Hourihan, Lisa) (Entered: 09/23/2004)
09/28/2004	<u>14</u>	Opposition re <u>13</u> Second MOTION to Compel filed by Adib Nabhan.

		(Valley, Doyle) (Entered: 09/28/2004)
10/22/2004	<u>15</u>	MOTION for Extension of Time to 1/31/05 to Complete Discovery by Adib Nabhan.(Valley, Doyle) (Entered: 10/22/2004)
10/27/2004		Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>15</u> Motion for Extension of Time to Complete Discovery without prejudice because the moving party has failed to comply with Local Rule 7.1. (Hourihan, Lisa) (Entered: 10/27/2004)
10/27/2004	<u>16</u>	MOTION for Extension of Time to 1/31/05 to Complete Discovery by Adib Nabhan.(Valley, Doyle) (Entered: 10/27/2004)
11/02/2004		Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>16</u> Motion for Extension of Time to Complete Discovery. Fact discovery due by 1/31/05. Plaintiff to disclose expert by 2/28/05. Defendant to disclose expert by 5/3/05. Discovery due by 6/1/2005. Motions due by 7/1/2005. (Hourihan, Lisa) (Entered: 11/02/2004)
11/05/2004	<u>17</u>	Judge Reginald C. Lindsay : ORDER entered REFERRING MOTION <u>13</u> Second MOTION to Compel filed by Carefree Park Corporation to Magistrate Judge Robert B. Collings(Stanhope, Don) (Entered: 11/05/2004)
11/09/2004		Judge Robert B. Collings : ELECTRONIC ORDER entered granting <u>13</u> Motion to Compel. Any objections which defendant may have had to producing the requested documents were waived when he failed to file an objection within thirty (30) days of being served with the document requests. See L.R. 34.1(C)(1). The defendant is ORDERED, pursuant to Rule 37(a)(2), Fed.R.Civ.P., to produce the requested documents on or before the close of business on 12/3/2004. The defendant may, before that date and after proper consultation with plaintiff's counsel as per L.R. 7.1(A)(2), seek a protective order limiting the use which plaintiff may make of the documents, but whether or not a protective order is in place, the documents must be produced by 12/3/2004. (Entered: 11/09/2004)
11/09/2004		Case no longer referred to Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 11/09/2004)
03/15/2005	<u>18</u>	First MOTION to Amend <i>Complaint</i> by Carefree Park Corporation. (Jones, Gordon) (Entered: 03/15/2005)
03/15/2005	<u>19</u>	Assented to MOTION to Amend <i>Complaint</i> by Carefree Park Corporation. (Attachments: # <u>1</u> Exhibit)(Jones, Gordon) (Entered: 03/15/2005)
03/15/2005	<u>20</u>	MEMORANDUM in Support re <u>19</u> Assented to MOTION to Amend <i>Complaint</i> filed by Carefree Park Corporation. (Jones, Gordon) (Entered: 03/15/2005)
03/16/2005		Judge Reginald C. Lindsay : Electronic ORDER entered terminating <u>18</u> Motion to Amend Complaint, which is the Amended Complaint. This pleading should have been filed as an attachment to #19, the Assented to Motion to Amend Complaint. The Court must make a ruling before the

		Amended Complaint can be filed. (Stanhope, Don) (Entered: 03/16/2005)
03/30/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting 19 Plaintiff's Assented to Motion to Amend Complaint (Stanhope, Don) (Entered: 03/30/2005)
03/30/2005	●21	FIRST AMENDED COMPLAINT against Adib Nabhan, filed by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan.(Stanhope, Don) (Entered: 03/30/2005)
04/19/2005	●22	ANSWER to Amended Complaint, COUNTERCLAIM against all plaintiffs by Adib Nabhan.(Valley, Doyle) (Entered: 04/19/2005)
05/25/2005	●23	ANSWER to Counterclaim by Carefree Park Corporation, Amin Nabhan and Jamile Nabhan.(Jones, Gordon) (Entered: 05/25/2005)
08/23/2005	●24	Judge Reginald C. Lindsay : ORDER entered. PROCEDURAL ORDER re pretrial/trial Final Pretrial Conference set for 11/17/2005 03:00 PM in Courtroom 11 before Judge Reginald C. Lindsay.(Hourihan, Lisa) (Entered: 08/23/2005)
11/04/2005	●25	Joint MOTION to Continue <i>Pre-Trial Conference</i> by Adib Nabhan. (Valley, Doyle) (Entered: 11/04/2005)
11/08/2005	●	Judge Reginald C. Lindsay : ElectronicORDER entered denying 25 Motion to Continue Pretrial Conference. The pretrial schedule in this case has twice been extended. Under the last extension, discovery should have been completed by 6/1/05. No further motions for extensions have been filed. The notice of the pretrial conference was issued in August 2005, giving ample time, before the scheduled pretrial conference, for the completion of any discovery. (Lindsay, Reginald) (Entered: 11/08/2005)
11/14/2005	●26	PRETRIAL MEMORANDUM by Carefree Park Corporation, Adib Nabhan, Amin Nabhan, Jamile Nabhan. (Attachments: # 1 Appendix) (Kirby, Robert) (Entered: 11/14/2005)
11/14/2005	●27	MOTION for Extension of Time to November 14, 2005 to File <i>Joint Pretrial Memorandum</i> by Carefree Park Corporation, Adib Nabhan, Amin Nabhan, Jamile Nabhan.(Kirby, Robert) (Entered: 11/14/2005)
11/14/2005	●28	Proposed Jury Instructions by Adib Nabhan, Adib Nabhan. (Valley, Doyle) (Entered: 11/14/2005)
11/15/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting 27 Motion for Extension of Time to File Pretrial Memorandum to 11/14/05 (Hourihan, Lisa) (Entered: 11/15/2005)
11/16/2005	●29	NOTICE of Appearance by Ian Crawford on behalf of Adib Nabhan (Crawford, Ian) (Entered: 11/16/2005)
11/17/2005	●	Notice of correction to docket made by Court staff. Attorney Ian Crawford added to docket, following the filing of a notice of appearance on 11/16/05. (Hurley, Virginia) (Entered: 11/17/2005)
11/17/2005	●	ElectronicClerk's Notes for proceedings held before Judge Reginald C.

		Lindsay : Status Conference held on 11/17/2005. Trial estimate 6-8 days. Jury Trial set for 2/13/2006 09:00 AM in Courtroom 11 before Judge Reginald C. Lindsay. Motions in limine to be filed by 1/13/06.(Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 11/21/2005)
01/13/2006	<u>30</u>	MOTION in Limine by Adib Nabhan. (Attachments: # <u>1</u> Exhibit)(Valley, Doyle) (Entered: 01/13/2006)
01/13/2006	<u>31</u>	MOTION in Limine to <i>Exclude Evidence Concerning Plaintiffs' Claims of Breach of Fiduciary Duty and Conversion</i> by Adib Nabhan. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B Pages 1-30# <u>3</u> Exhibit B Pages 31-36)(Crawford, Ian) (Entered: 01/13/2006)
01/13/2006	<u>32</u>	MOTION in Limine by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan.(Kirby, Robert) (Entered: 01/13/2006)
01/13/2006	<u>33</u>	MEMORANDUM in Support re <u>32</u> MOTION in Limine filed by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Kirby, Robert) (Entered: 01/13/2006)
01/27/2006	<u>34</u>	MEMORANDUM in Opposition re <u>32</u> MOTION in Limine to <i>Exclude Testimony of Defendant's Expert Witnesses</i> filed by Adib Nabhan. (Attachments: # <u>1</u> Exhibit)(Crawford, Ian) (Entered: 01/27/2006)
01/27/2006	<u>35</u>	Opposition re <u>31</u> MOTION in Limine to <i>Exclude Evidence Concerning Plaintiffs' Claims of Breach of Fiduciary Duty and Conversion</i> filed by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Kirby, Robert) (Entered: 01/27/2006)
01/27/2006	<u>36</u>	Opposition re <u>30</u> MOTION in Limine to <i>Exclude the Testimony of David Wudyka</i> filed by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Attachments: # <u>1</u> Affidavit of David J. Wudyka# <u>2</u> Exhibit A to Affidavit of David Wudyka# <u>3</u> Exhibit B to Affidavit of David Wudyka# <u>4</u> Exhibit C to Affidavit of David Wudyka)(Kirby, Robert) (Entered: 01/27/2006)
01/27/2006	<u>37</u>	Supplemental MEMORANDUM in Support re <u>32</u> MOTION in Limine to <i>Exclude Testimony of Defendant's Proposed Real Estate Expert, John Petersen</i> filed by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Attachments: # <u>1</u> Exhibit A Part 1(a) Appraisal Report of 14-28 Central Avenue, pages 1-22# <u>2</u> Exhibit A Part 1(b) Appraisal Report of 14-28 Central Avenue, pages 23-44# <u>3</u> Exhibit A, Part 2(a) Appraisal Report of 20 Ocean Front South, Pages 1-23# <u>4</u> Exhibit A, Part 2(b) Appraisal Report of 20 Ocean Front South, pages 24-44# <u>5</u> Exhibit A Part 3(a) Appraisal Report of 11 Atlantic Avenue, pages 1-19# <u>6</u> Exhibit A Part 3(b) Appraisal Report of 11 Atlantic Avenue, pages 20-33# <u>7</u> Exhibit A Part 4(a) Appraisal Report of 6 Ocean Front South, pages 1-22# <u>8</u> Exhibit A Part 4(b) Appraisal Report of 6 Ocean Front South, pages 23-44# <u>9</u> Exhibit A Part 5(a) Appraisal Report of 19 Central Avenue, pages 1-19# <u>10</u> Exhibit A Part 5(b) Appraisal Report of 19 Central Avenue, pages 20-33# <u>11</u> Exhibit B# <u>12</u> Exhibit C# <u>13</u> Exhibit D# <u>14</u> Exhibit E# <u>15</u> Exhibit F)(Kirby, Robert) (Entered: 01/27/2006)

02/03/2006	<u>38</u>	MEMORANDUM in Opposition re 32 MOTION in Limine <i>Opposition to plaintiffs' supplemental memorandum</i> , filed by Adib Nabhan. (Attachments: # (1) Exhibit A# (2) Exhibit B)(Valley, Doyle) Additional attachment(s) added on 2/6/2006 (York, Steve). (Entered: 02/03/2006)
02/06/2006	<u>39</u>	Joint Proposed Voir Dire by Adib Nabhan, Carefree Park Corporation, Carefree Park Corporation, Adib Nabhan, Amin Nabhan, Jamile Nabhan, Adib Nabhan, Carefree Park Corporation, Amin Nabhan, Jamile Nabhan, Carefree Park Corporation, Amin Nabhan and Jamile Nabhan. (Kirby, Robert) (Entered: 02/06/2006)
02/08/2006	<u>40</u>	Assented to MOTION to Continue Trial to February 21, 2006 by Adib Nabhan.(Valley, Doyle) (Entered: 02/08/2006)
02/09/2006		Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>40</u> Motion to Continue Jury Trial reset for 2/21/2006 09:00 AM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 02/09/2006)
02/15/2006		Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>30</u> MOTION in Limine by Adib Nabhan to Preclude Opinion Testimony of David J. Wudyka. This ruling is without prejudice to the defendant's challenging at trial the reliability and relevance of Mr. Wudyka's opinion testimony, based on evidence presented at trial that impugns the reliability of the methodologies used by Mr. Wudyka and any opinions based on those methodologies. On the other hand, the parties should understand that the court will not refuse to admit opinion testimony merely because flaws in the opinions expressed can be exposed on cross-examination. (Lindsay, Reginald) (Entered: 02/15/2006)
02/15/2006		Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>31</u> MOTION in Limine to Exclude Evidence Concerning Plaintiffs' Claims of Breach of Fiduciary Duty and Conversion by Adib Nabhan. This motion is grounded, at least in part, on a factual issue that is disputed by the parties. As such the issue raised by the motion cannot be decided on the present motion. (Lindsay, Reginald) (Entered: 02/15/2006)
02/15/2006		ELECTRONIC NOTICE of Hearing: Status Conference set for 2/17/2006 03:15 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 02/15/2006)
02/17/2006		Clerk's Notes for proceedings held before Judge Reginald C. Lindsay : Final Pretrial Conference held on 2/17/2006. The Court asked whether settlement was possible, but the parties stated that would be very unlikely. The Court discussed the empanelment procedures with the parties. The parties will have time on Tuesday after jury empanelment to test the technical equipment with their joint technical assistant. The Court asked whether either side had any unnecessary duplicative claims that may be dropped to avoid jury confusion; the parties will confer over the weekend to attempt to produce a simplified verdict form. The Court heard argument from both parties on the plaintiffs' motion in limine to exclude the testimony of the defendant's real estate expert Mr. Petersen.

		The defendant acknowledged that if the evidence shows that the defendant has no interest in the property owned by the Mary Nabhan Trust, Mr. Petersen should not be able to testify about the value of the parcels owned by the Mary Nabhan Trust. The Court raised the question whether all persons necessary for a just adjudication of the defendant's counterclaims under the meaning of Federal Rule of Civil Procedure 19 are currently parties to this action. Pending briefing from the parties on this issue, the Court reserved judgment on the motion in limine with respect to Mr. Petersen. The defendant indicated that his accounting expert, Mr. Mastrocola, would not testify at trial, rendering moot the plaintiffs' motion in limine to exclude Mr. Mastrocola's testimony. (Court Reporter D. Joyce.) (RCL, law1) (Entered: 02/17/2006)
02/21/2006	41	TRIAL BRIEF by Adib Nabhan. (Valley, Doyle) (Entered: 02/21/2006)
02/21/2006		ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Selection held on 2/21/2006, Voir Dire held on 2/21/2006. Jury empanelled and sworn. Preliminary instructions given to the jury. Jury excused. Court adjourned until 2/22/06 at 9:00AM. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 02/22/2006)
02/22/2006		ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day Two held on 2/22/2006. Plaintiffs' opening statement. Defendant's opening statement. Plaintiffs' evidence begins with the examination of Amin Nabhan. Court adjourned until 2/23/06 at 9:00AM. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 02/22/2006)
02/23/2006	42	TRIAL BRIEF <i>Plaintiffs' Response</i> by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Kirby, Robert) (Entered: 02/23/2006)
02/23/2006		Clerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day 3 held on 2/23/2006. Plaintiffs continued direct examination of Amin Nabhan. Cross. Redirect. Recross. Jury excused until 2/24/2006 at 9:00 a.m. The Court inquired whether the parties had determined that any claims were duplicative and should be dropped to simplify the case given to the jury. The plaintiffs indicated that their conversion claim was redundant to their breach of fiduciary duty claim and therefore the conversion claim will be dropped. (Court Reporter D. Joynce.) (RCL, law1) (Entered: 02/23/2006)
02/24/2006		Clerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day 4 held on 2/24/2006. Plaintiffs' direct examination of Jamile Nabhan; cross; redirect; recross. Plaintiffs' direct examination of Faye Robertson; cross. Plaintiffs begin direct examination of Adib Nabhan. Jury excused. Court adjourned until 9:00 a.m. on 2/27/2006 in Courtroom 11. (Court Reporter D. Joyce.) (RCL, law1) (Entered: 02/24/2006)
02/27/2006		ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day 5 held on 2/27/2006. Parties agree to take witness out of order. Defendants' examination of Craig Peterson; cross-

		examination; re-direct; re-cross. Plaintiff's evidence continues with the direct examination of Adib Nabhan; cross-examination. Court adjourned until 2/28/06 at 9:00AM. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 02/27/2006)
02/28/2006	●	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day 6 held on 2/28/2006. Hearing out of the presence of the jury re: remaining claims and trial schedule. Plaintiffs' evidence continues with the cross-examination of Adib Nabhan; re-direct; re-cross. Court adjourned until 3/1/06 at 9:00AM. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 02/28/2006)
02/28/2006	●43	Proposed Jury Verdict by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Kirby, Robert) (Entered: 02/28/2006)
02/28/2006	●44	Proposed Jury Questions by Adib Nabhan. (Crawford, Ian) (Entered: 02/28/2006)
03/01/2006	●45	Supplemental Proposed Jury Instructions by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Kirby, Robert) (Entered: 03/01/2006)
03/01/2006	●	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day 7 held on 3/1/2006. Plaintiffs' evidence continues with the examination of David Wudyka; cross-examination; re-direct; re-cross. Plaintiffs' rest. Jury excused. Defendant moves for directed verdict; argument. Court reserves ruling. Motion to exclude testimony of Peterson allowed. Charge conference held. Court adjourned until 3/2/06. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 03/02/2006)
03/02/2006	●46	Objection by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan <i>Plaintiffs' Opposition to Defendant's Request for Jury Instruction Concerning Agency</i> . (Kirby, Robert) (Entered: 03/02/2006)
03/02/2006	●	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day 8 held on 3/2/2006. Defendant's evidence begins with the examination of Michael LeClerc; cross-examination. Examination of Adib Nabhan; cross-examination; re-direct. Counsel argue that the testimony Adib Nabhan be stricken. Allowed. Defendants rest. Jury excused. Plaintiffs moves for directed verdict on the defendant's counterclaim. Defendant renews motion for directed verdict. Motions taken under advisement. Court adjourned until 3/3/06 at 9:00AM. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 03/02/2006)
03/02/2006	●47	MOTION for Directed Verdict by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan.(Kirby, Robert) (Entered: 03/02/2006)
03/02/2006	●48	Opposition re 47 MOTION for Directed Verdict filed by Adib Nabhan. (Crawford, Ian) (Entered: 03/02/2006)
03/03/2006	●	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day 9 held on 3/3/2006. Defendant's closing argument. Plaintiffs' closing argument. Court charges the jury. Jury

		retires to deliberate. Jury has lunch at 1:00PM. Jury returns with a question. The Court meets with counsel and the question is answered. Jury excused at 3:00PM until 3/6/06 at 9:00AM. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 03/06/2006)
03/06/2006	●	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial 10 held on 3/6/2006. Jury deliberations continue. Jury has lunch at 1:00PM. Jury returns with a question at 3PM. After consultation with counsel, questions answered. Jury returns with 2 questions at 4:45PM. After consultation with counsel, questions answered and jury excused until 3/7/06 at 9:00AM. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 03/07/2006)
03/07/2006	●	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day 11 held on 3/7/2006. Jury deliberations continue. Jury taken to lunch at 1:00PM. Jury returns with a question at 3:00PM. After consultation with counsel, questions answered. Jury excused at 4:50PM until 3/8/06 at 9:00AM. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 03/08/2006)
03/08/2006	●	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Jury Trial Day 12 completed on 3/8/2006. Jury deliberations continue. Jury returns with a verdict at 11:00AM. Verdict recorded for the record. Jury excused. Exhibits returned to counsel. (Court Reporter R. Romanow.) (Hourihan, Lisa) (Entered: 03/08/2006)
03/08/2006	49	Jury Verdict Form(York, Steve) (Entered: 03/08/2006)
03/13/2006	50	TRANSCRIPT of Jury Trial Day Eight (Testimony of Michael LeClerc held on March 2, 2006 before Judge Lindsay. Court Reporter: Debra M. Joyce. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-4410 or the Clerk's Office. (Scalfani, Deborah) (Entered: 03/13/2006)
03/23/2006	51	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT (Hourihan, Lisa) (Entered: 03/23/2006)
03/31/2006	52	MOTION for New Trial <i>on the Issue of Whether Plaintiffs' Claims are Barred by the Statute of Limitations</i> by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan.(Kirby, Robert) (Entered: 03/31/2006)
03/31/2006	53	MEMORANDUM in Support re 52 MOTION for New Trial <i>on the Issue of Whether Plaintiffs' Claims are Barred by the Statute of Limitations</i> filed by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Kirby, Robert) (Entered: 03/31/2006)
03/31/2006	54	MOTION for Judgment as a Matter of Law <i>or, In The Alternative, For a New Trial (Renewed)</i> by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan.(Kirby, Robert) (Entered: 03/31/2006)
03/31/2006	55	MEMORANDUM in Support re 54 MOTION for Judgment as a Matter of Law <i>or, In The Alternative, For a New Trial (Renewed)</i> filed by

		Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Kirby, Robert) (Entered: 03/31/2006)
03/31/2006	<u>56</u>	MOTION for Judgment NOV (<i>and Memorandum</i>) As a Matter of Law With Respect to Jury Verdict Questions 10 and 14 or, in the Alternative, For a New Trial On Damages Alone by Adib Nabhan. (Attachments: # 1 Exhibits A thru C)(Crawford, Ian) (Entered: 03/31/2006)
04/11/2006	<u>57</u>	TRANSCRIPT of Jury Trial Day Two (Testimony of Amin Nabhan) held on February 22, 2006 before Judge Lindsay. Court Reporter: Debra M. Joyce. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-4410 or the Clerk's Office. (Scalfani, Deborah) (Entered: 04/11/2006)
04/11/2006	<u>58</u>	TRANSCRIPT of Jury Trial Day Three (Testimony of Amin Nabhan) held on February 23, 2006 before Judge Lindsay. Court Reporter: Debra M. Joyce. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-4410 or the Clerk's Office. (Scalfani, Deborah) (Entered: 04/11/2006)
04/11/2006	<u>59</u>	TRANSCRIPT of Jury Trial Day Five (Testimony of Craig Petersen) held on February 27, 2006 before Judge Lindsay. Court Reporter: Debra M. Joyce. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-4410 or the Clerk's Office. (Scalfani, Deborah) (Entered: 04/11/2006)
04/13/2006	<u>60</u>	Opposition re <u>56</u> MOTION for Judgment NOV (<i>and Memorandum</i>) As a Matter of Law With Respect to Jury Verdict Questions 10 and 14 or, in the Alternative, For a New Trial On Damages Alone filed by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (Kirby, Robert) (Entered: 04/13/2006)
04/13/2006	<u>61</u>	Opposition re <u>54</u> MOTION for Judgment as a Matter of Law or, In The Alternative, For a New Trial (Renewed) filed by Adib Nabhan. (Crawford, Ian) (Entered: 04/13/2006)
04/13/2006	<u>62</u>	Opposition re <u>52</u> MOTION for New Trial on the Issue of Whether Plaintiffs' Claims are Barred by the Statute of Limitations filed by Adib Nabhan. (Crawford, Ian) (Entered: 04/13/2006)
06/08/2006	<u>63</u>	TRANSCRIPT of Pretrial Conference held on February 17, 2006 before Judge Lindsay. Court Reporter: Debra M. Joyce. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-4410 or the Clerk's Office. (Scalfani, Deborah) (Entered: 06/08/2006)
06/15/2006	<u>64</u>	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>52</u> Motion for New Trial, denying <u>54</u> Motion for Judgment as a Matter of Law, denying <u>56</u> Motion for Judgment NOV (Hourihan, Lisa) (Entered: 06/15/2006)

06/29/2006	<u>64</u>	TRANSCRIPT of Charge Conference held on March 1, 2006 before Judge Lindsay. Court Reporter: Debra M. Joyce 617/737-4410. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Scalfani, Deborah) (Entered: 06/29/2006)
07/06/2006	<u>65</u>	NOTICE OF APPEAL by Carefree Park Corporation, Amin Nabhan, Jamile Nabhan. (fee not paid) NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/26/2006. (Kirby, Robert) Modified on 7/6/2006 (York, Steve). (Entered: 07/06/2006)